

UNITED STATES BANKRUPTCY COURT
Western District of North Carolina (Shelby)

Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter 13 on 11/17/09 and was converted to a case under chapter 7 on 4/12/13.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office.
NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

**Creditors -- Do not file this notice in connection with any proof of claim you submit to the court.
See Reverse Side For Important Explanations.**

Debtor(s) (name(s) used in the last 8 years, including married, maiden, trade and address):

Roger D Elliott
53 Rolling Hills Drive
Marion, NC 28752

Donna Sisk Elliott
fka Donna Sisk Freeman
53 Rolling Hills Drive
Marion, NC 28752

Case Number:
09-40944

Social Security/Taxpayer ID Nos.:
xxx-xx-6158
xxx-xx-3325

Attorney for Debtor(s) (name and address):
T. Bentley Leonard
Leonard & Moore, PLLC
274 Merrimon Avenue
Asheville, NC 28801

Telephone number: (828) 255-0456

Bankruptcy Trustee (name and address):
Langdon M. Cooper
P. O. Box 488
Gastonia, NC 28053-0488

Telephone number: (704) 864-6751

Meeting of Creditors:

Date: **May 24, 2013**

Time: **09:00 AM**

Location: **Cleveland County Courthouse, 100 Justice Place, 3rd Floor, Courtroom 5, Shelby, NC 28150**

Presumption of Abuse under 11 U.S.C. § 707(B)
See "Presumption of Abuse" on reverse side.

Insufficient information has been filed to date to permit the clerk to make any determination concerning the presumption of abuse. If more complete information, when filed, shows that the presumption has arisen, creditors will be notified.

Deadlines:

Deadline to Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts: 7/23/13

Deadline to Object to Exemptions:
Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.

Foreign Creditors

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

Address of the Bankruptcy Clerk's Office:

Shelby Division
401 West Trade Street
Charlotte, NC 28202

For the Court:

Clerk of the Bankruptcy Court:
Steven T. Salata

Telephone number: 704-350-7500

Hours Open: 8:30 AM – 4:30 PM, Monday – Friday

Date: 4/15/13

EXPLANATIONS

FORM B9A (12/12)

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; garnishing or deducting from the debtor's wages; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline. <i>Do not include this notice with any filing you make with the court.</i>
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2), (4), (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Foreign Creditors	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
---- Refer to Other Side for Important Deadlines and Notices ----	
<p>NOTICE IS HEREBY GIVEN that if the debtor fails to appear at the first meeting of creditors, or if the debtor fails to file all schedules, statements, lists and other documents required to be filed by the Federal Rules of Bankruptcy Procedures and the Local Bankruptcy Rules of this Court within the time period set forth in these rules, the debtor's case will be subject to dismissal without further notice or opportunity for hearing.</p> <p>APPOINTMENT OF TRUSTEE This notice constitutes an order of the court appointing the trustee named on the front side as the interim trustee to serve under general blanket bond.</p>	